

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 3-6, 8-12, 15, and 16 are pending in the application, with claims 1, 6, 11, and 12 being the independent claims. Claims 2, 7, 13, and 14 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 15 and 16 are sought to be added. Claims 1, 6, 8, 11, and 12 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 1-10 and 12-14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,438,123 to Chapman ("Chapman") in view of U.S. Patent No. 6,732,179 to Brown *et al.* ("Brown"). Based on the following remarks, Applicants respectfully traverse.

Independent claim 1 is directed to a cable modem system for transferring data from a user device to a network. The system of claim 1, as amended, includes:

a cable modem;

a DOCSIS-compliant cable modem termination system coupled to said cable modem via a cable network; and

a headend server coupled to said cable modem termination system and to the network;

wherein said cable modem is adapted to receive data packets from the user device, to modify the contents of said data packets in accordance with a non-DOCSIS-compliant data transfer protocol, to append address

information corresponding to said headend server to said modified data packets, and to transfer said modified data packets to said cable modem termination system;

wherein said cable modem termination system is adapted to receive said modified data packets and to transfer said modified data packets to said headend server in accordance with said address information; and

wherein said headend server is adapted to restore the contents of said modified data packets to an unmodified state and to transfer said restored data packets to the network.

Neither Chapman nor Brown, either alone or in combination, teaches or suggests each of the foregoing features of claim 1. For example, neither Chapman nor Brown teaches or suggests a DOCSIS-compliant cable modem termination system (CMTS) adapted to receive data packets modified in accordance with a non-DOCSIS-compliant data transfer protocol and to transfer the modified data packets in accordance with appended address information to a specialized headend server for processing.

Chapman is directed to a method and apparatus for supporting header suppression and multiple microflows in a network. While Chapman describes a second packet processing node that appends stored headers to suppressed packets before sending the packets to an endpoint (Chapman at Abstract, lines 5-9), the Examiner concedes that Chapman does not explicitly disclose a headend server that receives modified data packets from a CMTS and restores the packets before transmission to a destination (Office Action at page 3).

Furthermore, Brown does not supply the teachings missing from Chapman. Brown is directed to a method and system for restricting access to user resources, such as a user's set top box (STB). Brown describes a walled garden proxy server (WGPS) that intercepts messages from a network site, inserts a site-specific access control list (ACL) in the message header, and transfers the message to the user. (Brown at Abstract, lines

10-16). However, Brown does not anywhere teach or suggest a headend server that receives modified data packets from a CMTS, and that is adapted to restore the contents of the modified data packets to an unmodified state and transfer the restored data packets to a network, as recited in claim 1.

Similarly, independent claim 6 is directed to a cable modem system for transferring data packets from a cable modem to a network. Claim 6, as amended recites:

A cable modem system for transferring data packets from a cable modem to a network, wherein the data packets are formatted in accordance with a non-DOCSIS-compliant data transfer protocol, comprising:

a DOCSIS-compliant cable modem termination system coupled to said cable modem via a cable network; and

a headend server coupled to said cable modem termination system and to the network;

wherein said cable modem termination system is adapted to receive the data packets and to transfer the data packets to said headend server in accordance with address information appended to the data packets; and

wherein said headend server is adapted to modify the format of the data packets in accordance with the non-DOCSIS-compliant data transfer protocol and to transfer said modified data packets to the network.

For the same reasons described above with respect to claim 1, neither Chapman nor Brown, either alone or in combination, teaches or suggests each of the foregoing features of claim 6. At a minimum, neither Chapman nor Brown teaches or suggests a DOCSIS-compliant CMTS adapted to receive data packets formatted in accordance with a non-DOCSIS-compliant data transfer protocol and to transfer the data packets in accordance with appended address information to a specialized headend server for processing.

Likewise, independent claim 12 is directed to a method for transferring data in a cable modem system. The method of claim 12, as amended, includes:

- receiving data packets from a user device;
- modifying the contents of said data packets in accordance with a non-DOCSIS-compliant data transfer protocol;
- appending address information corresponding to a headend server to the modified data packets;
- transferring the modified data packets over a cable network to a DOCSIS-compliant cable modem termination system;
- wherein the cable modem termination system is adapted to transfer the modified data packets to the headend server in accordance with the address information; and
- wherein the headend server is adapted to restore the contents of said modified data packets to an unmodified state and transfer said restored data packets to a network.

For the same reasons described above with respect to claim 1, neither Chapman nor Brown, either alone or in combination, teaches or suggests each of the foregoing features of claim 12. At a minimum, neither Chapman nor Brown teaches or suggests transferring data packets modified in accordance with a non-DOCSIS-compliant data transfer protocol to a DOCSIS-compliant CMTS that is adapted to transfer the modified data packets in accordance with appended address information to a specialized headend server for processing.

Since neither Chapman nor Brown, alone or in combination, teaches or suggests all of the limitations of claims 1, 6, and 12, the combination of Chapman and Brown fails to support a *prima facie* case of obviousness rejection of claims 1, 6, and 12.

Furthermore, the combination of Chapman and Brown fails to support a *prima facie* case of obviousness rejection of claims 3-5 and 8-10 for at least the same reasons as independent claims 1 and 6, from which they depend, and further in view of their own

features. Claims 2, 7, 13 and 14 are sought to be canceled, thereby rendering the rejection of claims 2, 7, 13 and 14 moot. Accordingly, the Examiner's rejection of claims 1-10 and 12-14 under 35 U.S.C. § 103(a) is traversed and Applicants respectfully request that the rejection be reconsidered and withdrawn.

The combination of Chapman and Brown also fails to support a *prima facie* case of obviousness rejection of new claims 15 and 16 for at least the same reasons as independent claim 12, from which they depend, and further in view of their own features. Thus, Applicants respectfully request the entry of new claims 15 and 16.

The Examiner has rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Chapman in view of U.S. Patent No. 6,510,162 to Fijolek *et al.* ("Fijolek"). Based on the following remarks, Applicants respectfully traverse.

Independent claim 11 is directed to a cable modem system for transferring data from a user device to a network. The system of claim 11, as amended, includes

- a cable modem;

- a DOCSIS-compliant cable modem termination system coupled to said cable modem via a cable network and coupled to the network; and

- a headend server coupled to said cable modem termination system;

- wherein said cable modem is adapted to receive data packets from the user device, to modify the contents of said data packets in accordance with a non-DOCSIS-compliant data transfer protocol, to append address information corresponding to said headend server to said modified data packets, and to transfer said modified data packets to said cable modem termination system;

- wherein said cable modem termination system is adapted to receive said modified data packets and to transfer said modified data packets to said headend server in accordance with said address information;

- wherein said headend server is adapted to restore the contents of said modified data packets to an unmodified state and to transfer said restored data packets to said cable modem termination system;

and wherein said cable modem termination system is further adapted to receive said restored data packets and to transfer said restored data packets to the network.

Neither Chapman nor Fijolek teaches or suggests each of the foregoing features of claim 11. For example, neither Chapman nor Fijolek teaches or suggests a DOCSIS-compliant CMTS adapted to receive data packets modified in accordance with a non-DOCSIS-compliant data transfer protocol and to transfer the modified data packets in accordance with appended address information to a specialized headend server for processing.

As described above, Chapman is directed to a method and apparatus for supporting header suppression and multiple microflows in a network. While Chapman describes a second packet processing node that appends stored headers to suppressed packets before sending the packets to an endpoint (Chapman at Abstract, lines 5-9), the Examiner concedes that Chapman does not explicitly disclose a headend server that receives modified data packets from a CMTS and restores the packets before transmission to a destination (Office Action at page 5).

Furthermore, Fijolek does not supply the teachings missing from Chapman. Fijolek is directed to a system and method for managing channel usage in a data over cable system. Fijolek describes a network administrator 110 in a server 25 that organizes cable modems in clusters by assigning the same configuration file name extension to all the cable modems in a cluster, and a CMTS that sends a configuration file containing a multicast address to a cable modem. (Fijolek at col. 19, lines 27-36 and col. 16, lines 53-60). Fijolek also describes that in order to balance data channel usage, the network administrator uses the multicast address defined in the configuration files for the cable modems to communicate move commands through the CMTS to all of the cable modems

having a particular configuration file name extension. (Fijolek at col. 17, lines 53-65).

However, Fijolek does not anywhere teach or suggest a headend server that receives modified data packets from a CMTS, and that is adapted to restore the contents of modified data packets to an unmodified state and transfer the restored data packets to the CMTS, as recited in claim 11.

Since neither Chapman nor Fijolek, alone or in combination, teaches or suggests all of the limitations of claim 11, the combination of Chapman and Fijolek fails to support a prima facie case of obviousness rejection of claim 11. Accordingly, the Examiner's rejection of claim 11 under 35 U.S.C. § 103(a) is traversed and Applicants respectfully request that the rejection be reconsidered and withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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